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Section II: REMARKS

It is respectfully requested that the changes as noted above in Section I be made to the present application.

In the above referenced Office Action, which was mailed on 3/22/2005, claims 1-2, 6, 14-16, 20 and 28 were rejected under 35 USC 102(b) as being anticipated by Matsuoka et al (U. S. Patent 4,383,206 hereinafter referred to as "Matsuoka"), claims 3-5, 7, 8-11, 17-19 and 21-25 were rejected under 35 USC 103(a) as being unpatentable over Matsuoka in view of Payne (U. S. Patent 6,080,981 hereinafter referred to as "Payne") and claims 12, 13, 26, 27, 29 and 30 were rejected under 35 USC 103(a) as being unpatentable over Matsuoka in view of Payne and still further view of Grossheim et al (U. S. Patent 4,794,368, hereinafter referred to as Grossheim). The above noted rejections are respectfully traversed. However, in order to further the prosecution of the present application, and without waiving any of applicant's rights to argue the allowability of the originally presented claims in a subsequent appeal or other proceeding in the event that the Examiner does not concur that the present amendment places the application in condition for allowance, applicant has herein amended the claims to place them in condition for allowance.

It is noted that the present application includes claims 1-30 with claims 1, 15, 29 and 30 being independent claims, claims 2-14 being ultimately dependent from claim 1 and claims 16-28 being ultimately dependent from claim 15.

Independent claims 1, 15, 29 and 30 have herein been amended to clarify that, in accordance with the present invention, the **detection of an obstacle in a door opening path is accomplished**

ATTORNEY DOCKET: AUS920030708US1

PATENT

by a distance measuring device prior to the opening of the door.

This clarification represents a fundamental difference between the present invention and the cited references. The purpose of the present invention is to prevent a collision between a door and an obstacle in the path of the door opening. As disclosed and claimed, this is accomplished by detecting an obstacle distance before or prior to the time the door is opened and setting a limit to prevent a collision of the door and the obstacle before the door is opened.

Matsuoka discloses a garage door vertical opening system which does not include a distance measuring device as set forth in the amended claims. Matsuoka teaches away from the present invention and is not really analogous art since **instead of preventing a collision between a door and a detected obstacle, Matsuoka uses a collision as a signal that there is an obstacle in the door opening path.** The collision is exactly what the present invention avoids by detecting the obstacle **prior to** opening the door and setting a limit to prevent a collision of the door and the obstacle. Thus it is believed that claims 1, 2, 14-16 and 28, as herein amended, are allowable under 35 USC 102(b) over Matsuoka. Claims 6 and 20 have herein been canceled without prejudice.

The Payne reference discloses a system **in which the movement of a door being opened is required to generate an obstacle signal.** **Payne does not and can not with the disclosed system detect the presence of an obstacle prior to the opening of the door as set forth in the claims as herein amended.** Further, Payne provides a drive signal for controlling a motor driving the door and does not set an allowable limit as is clearly set forth in the claims as herein amended. Still further, there is no disclosure, teaching or even a suggestion in either Matsuoka or Payne for the hypothetical combination of those two references as suggested by

ATTORNEY DOCKET: AUS920030708US1

PATENT

the Examiner, and it is submitted that any combination of Matsuoka and Payne would render each unsuitable for their respective intended purposes. Thus, it is believed that, as herein amended, claims 3-5, 7, 8-11, 17-19 and 21-25 are allowable under 35 USC 103(a) over Matsuoka in view of Payne.

Grossheim discloses only an alarm system for signaling and reporting the occurrence of an unauthorized entry into a defined area such as into a closed automobile. Grossheim is similar to Matsuoka and Payne in that none of the cited references discloses or even suggests the use of a distance measuring device and the detection of an obstacle in a door opening path of a door **prior to the opening of the door**. The applicant is not claiming that alarm systems alone are patentable but rather, in the applicable claims (12, 13, 26, 27, 29-30) that an alarm system for use when an obstacle is detected in a door opening path and a limit signal is provided to set a limit to the door opening prior to the opening of the door is patentable. Except for an alarm system in general, Grossheim discloses none of the recited elements of the collision prevention system as disclosed and claimed by the applicant and does not teach, disclose or even suggest any reference to a collision prevention system of the type disclosed by applicant. Thus it is believed that claims 12, 13, 26-27 and 29-30 are allowable under 35 USC 103(a) over Matsuoka even in view of Grossheim.

It should be noted that applicant is claiming only that the **total combination** of elements **and relationships** as recited in the claims as herein amended, is neither anticipated nor rendered obvious by the cited references. Applicant is aware the individual elements of any claim can be isolated, and, when standing alone, those elements can be found in existing references. The similarity of various pieces and parts of the

ATTORNEY DOCKET: AUS920030708US1

PATENT

references as noted on pages 2-4 of the above-identified Office Action have been noted but it is believed that there is **no suggestion or nexus among the references to even suggest any combination of those references or the total combination of elements and relationships as recited in the claims as herein amended**. Where there is no teaching or suggestion in any of the references for the **specific total combination** of elements and **relationships** among those elements, as claimed by an applicant, it is submitted to be inappropriate to search the prior art using applicant's own disclosure as a recipe, to find piecemeal elements in prior art references for individual claimed elements, and then to combine those references in a manner disclosed only by the applicant in order to reject applicant's own claims.

The elements of using a distance measuring device and determining an obstacle distance prior to the opening of a door, in combination with the other claim elements, have herein been included in all of the independent claims 1, 15, 29 and 30, and have therefore, through dependence, have also been included in all of the remaining dependent claims 2-5, 7-14, 16-19 and 21-28. Claims 6 and 20 have herein been canceled without prejudice in the belief that the substance of those claims is protected by the remaining claims. New "picture" claim 31, which includes the various recited elements in independent form, has herein been added. Duplicate copies of the fee authorization for the newly added independent claim are attached.

Thus, it is submitted that claims 1-5, 7-19 and 21-31, as herein presented, are believed to be in condition for allowance, an early notice of which is hereby requested. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting the allowance of this application, and especially if one or more new references are cited, the Examiner is invited to

ATTORNEY DOCKET: AUS920030708US1

PATENT

contact the undersigned at the telephone number indicated below, prior to the issuance of another Office Action, in order to allow the applicant the opportunity to further amend the claims by Supplemental Amendment or Examiner's Amendment, as may be appropriate, to place the claims in condition for allowance. The Examiner's attention to this matter is greatly appreciated.

Respectfully submitted,

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